



IFW 3724
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PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/815,962
Filing Date	03/23/2001
First Named Inventor	J. Wilson
Art Unit	3724
Examiner Name	C. Goodman
Attorney Docket Number	14460/04023

Total Number of Pages in This Submission

6

ENCLOSURES (Check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input checked="" type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
(see remarks) |
|--|---|--|

Remarks

Response to Advisory Action
Return receipt postcard
Check for \$420.00

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Customer Number
Signature	24024
Date	

Brian E. Kondas
June 14, 2004

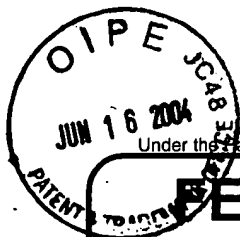
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Typed or printed name	Mary Curtin		
Signature	<i>Mary Curtin</i>	Date	6/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 420

Complete if Known

Application Number	09/815,962
Filing Date	March 23, 2001
First Named Inventor	Wilson
Examiner Name	C. Goodman
Art Unit	3724
Attorney Docket No.	14460/04023

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: **Calfee, Halter & Griswold LLP**
Deposit Account Name: **03-0172**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
Multiple Dependent					<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	420
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					420

SUBMITTED BY

Name (Print/Type)	Brian E. Kondas	Registration No. (Attorney/Agent)	40,685	Telephone	(216) 622-8308
Signature	<i>Brian E. Kondas</i>	Date	June 14, 2004		

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Customer Number

24024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : J. Wilson
For : **METHOD AND APPARATUS
FOR TRIMMING SHEET METAL**
Serial No. : 09/815,962
Confirmation No. : 6477
Filed : March 23, 2001
Examiner : C. Goodman
Art Unit : 3724
Last Office Action : January 13, 2004
Advisory Action : May 10, 2004
Attorney Docket No. : 14460/04023

RESPONSE TO ADVISORY ACTION

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is responsive to the Advisory Action issued May 10, 2004.
Reexamination and reconsideration of the application are respectfully requested.

CERTIFICATE OF MAILING

I hereby certify that this **RESPONSE TO ADVISORY ACTION** for U.S. Serial No. 09/815,962 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on this 14th day of June, 2004.



Mary Curtin {BK1325.DOC;1}

The present application was filed on March 23, 2001. The application included a total of eighteen (18) claims. Furthermore, four (4) of the eighteen (18) claims were in independent form.

A Restriction Requirement, which identified three (3) claimed inventions, was issued by the USPTO on September 12, 2002. The three (3) claimed inventions were identified as **claims 1-9, claims 10-13, and claims 14-18**, respectively. A Response to the Restriction Requirement, which elected **claims 10-13**, was filed with the USPTO on October 11, 2002.

A first, non-final Office Action on the merits of **claims 10-13** was issued by the USPTO on December 31, 2002. An amendment was filed with the USPTO on March 5, 2003 in response to that Office Action. The March 5, 2003 amendment included new **claims 19-21**. New independent **claim 21** recited:

... a nozzle that produces a fluid stream in a direction generally opposite to the direction of movement of the unadhered trim strip.

A final Office Action issued on January 13, 2004. The summary page of the final Office Action indicated **claims 19-21** were rejected. However, the Detailed Action on pages 2-4 did not mention **claims 19-21**. Therefore, applicant's attorney, James Balazs, held a telephonic interview with Examiner Goodman on January 21, 2004 to inquire about the status of **claims 19-21**. Furthermore, applicant's attorney, John Cipolla, held a follow-up telephonic interview with Examiner Goodman on March 11, 2004 also inquiring about the status of **claims 19-21**. During the March 11, 2004 interview, Examiner Goodman indicated that applicant should respond to the rejection included in the January 13, 2004 final Office Action and, furthermore, that the Examiner would issue another Office Action addressing **claims 19-21**.

Therefore, on April 13, 2004, applicant submitted an amendment in response to the final Office Action dated January 13, 2004. **Claim 10** was amended to recite:

... a nozzle adapted to direct a stream of fluid into the area where said strip leaves said roll in a direction generally opposite to a direction of travel of said strip

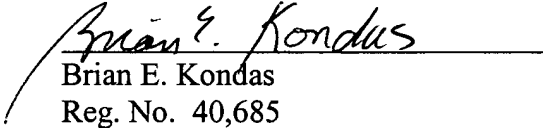
On May 10, 2004, the Examiner issued an Advisory Action stating that **claims 19-21** were withdrawn from consideration. Furthermore, the proposed amendment to **claim 10** was identified as raising new issues and, therefore, was not entered. Applicant's attorney, Brian Kondas, held a telephonic interview with Examiner Goodman on June 14, 2004. During that interview, Examiner Goodman suggested applicant file this paper explaining that **claims 19-21** had never been examined.

Applicant requests that Examiner Goodman contact attorney Brian Kondas to discuss this application.

It is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP


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